



General Assembly

February Session, 2000

***Amendment***

LCO No. 5296

Offered by:  
SEN. DAILY, 33rd Dist.

To: Subst. Senate Bill No. 508

File No. 317

Cal. No. 251

***"An Act Concerning Minor Revisions To Certain  
Environmental Laws."***

1 After line 261, insert the following and renumber the remaining  
2 section accordingly:

3 "Sec. 11. Section 22a-196 of the general statutes is repealed and the  
4 following is substituted in lieu thereof:

5 No asphalt batching or continuous mix facility shall be located in an  
6 area which is less than one-third of a mile in linear distance from any  
7 hospital, nursing home, school, area of critical environmental concern,  
8 watercourse, or area occupied by residential housing. Such distance  
9 shall be measured from the outermost perimeter of such facility to the  
10 outermost point of such zones. [provided that] The provisions of this  
11 section shall not apply to (1) any such facility in operation as of  
12 December 31, 1997, [shall not be subject to the provisions of this  
13 section] and (2) a new facility where (A) there exists within such area,  
14 at or adjacent to the proposed location of such new facility, one or  
15 more facilities that operate under a permit issued pursuant to section  
16 22a-174 to operate an asphalt batching or continuous mix facility or to

17 operate fuel burning equipment, (B) the applicant owns or controls an  
18 existing asphalt batching or continuous mix facility on or adjacent to  
19 the proposed location of such new facility which the applicant certifies  
20 to the commissioner as part of the permit application will cease to  
21 operate and its permit be surrendered upon the issuance of a permit to  
22 operate the new facility, (C) the applicant certifies to the commissioner  
23 as part of the permit application that two or more existing and  
24 operating asphalt batching or continuous mix facilities under the  
25 applicant's ownership or control will cease to operate and their permits  
26 will be surrendered upon the issuance of a permit to operate the new  
27 facility and that at least one of the existing facilities is not more than  
28 twenty miles from the proposed new facility, and (D) the new facility  
29 will produce a net decrease in total air pollutants, on a per ton basis, as  
30 compared to the existing facilities under the applicant's ownership or  
31 control.

32 Sec. 12. Subdivision (1) of section 22a-134 of the general statutes, as  
33 amended by section 56 of public act 99-241, is repealed and the  
34 following is substituted in lieu thereof:

35 (1) "Transfer of establishment" means any transaction or proceeding  
36 through which an establishment undergoes a change in ownership, but  
37 does not mean (A) conveyance or extinguishment of an easement, (B)  
38 conveyance of property through a judicial foreclosure, (C) conveyance  
39 of a deed in lieu of foreclosure to an institutional lender, including, but  
40 not limited to, a banking institution, (D) conveyance of a security  
41 interest including, without limitation, a mortgage, (E) renewal of a  
42 lease, (F) conveyance, assignment or termination of a lease for a period  
43 less than twenty-five years from the date of such conveyance,  
44 assignment or termination, including options or extensions of such  
45 period, (G) any change in ownership approved by the Probate Court,  
46 (H) conveyance of title to a surviving joint tenant, or to a trustee,  
47 executor, or administrator under the terms of a testamentary trust or  
48 will, or by intestate succession, (I) corporate reorganization not  
49 substantially affecting the ownership of the establishment, including,  
50 but not limited to, stock dividend distributions or stock distributions

51 in connection with a merger, (J) the original issuance of stock or other  
52 securities of an entity which owns or operates an establishment, (K) the  
53 transfer of stock, securities or other ownership interests representing  
54 less than a majority of the voting power of the entity that owns or  
55 operates the establishment, (L) any conveyance of an interest in an  
56 establishment where the transferor is the sibling, spouse, child, parent,  
57 grandparent, child of a sibling or sibling of a parent of the transferee,  
58 (M) any conveyance of a portion of a parcel upon which portion no  
59 establishment is or has been located and upon which there has not  
60 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
61 of hazardous waste, provided either the area of such portion is not  
62 greater than fifty per cent of the area of such parcel or written notice of  
63 such proposed conveyance and an environmental condition  
64 assessment form for such parcel is provided to the commissioner sixty  
65 days prior to such conveyance, (N) conveyance of a service station, as  
66 defined in subdivision (5) of this section, (O) any conveyance of a  
67 parcel which, prior to July 1, 1997, had been developed solely for  
68 residential use and such use has not changed, (P) any conveyance of a  
69 parcel to [any entity created or operating under chapter 130 or 132, or  
70 to an urban rehabilitation agency, as defined in section 8-292, or to a  
71 municipality under section 32-224, or to] the Connecticut Development  
72 Authority or any subsidiary of the authority, [or] (Q) any conveyance  
73 of a parcel in connection with the assembly of properties to effectuate  
74 the development of the convention center facilities, the sportsplex and  
75 the related parking facilities, each as defined in section 32-651, (R) the  
76 conversion of a general or limited partnership to a limited liability  
77 company under section 34-199, (S) the transfer of general partnership  
78 property held in the names of all of its general partners to a general  
79 partnership which includes as general partners immediately after the  
80 transfer all of the same persons as were general partners immediately  
81 prior to the transfer; and (T) the transfer of general partnership  
82 property held in the names of all of its general partners to a limited  
83 liability company which includes as members immediately after the  
84 transfer all of the same persons as were general partners immediately  
85 prior to the transfer."